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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/652,580

08/29/2003

Harlie D. Frost

1030-0002

9137

34456

7590

10/19/2006

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EXAMINER

NGUYEN, LEE

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/652,580	Applicant(s) FROST ET AL.	
	Examiner LEE NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group III, claims 35-42 in the reply filed on 08/14/2006 is acknowledged. The traversal is on the ground(s) that the claims is not believed to create an undue burden on the USPTO and that the subject matter among the groups is not independent and distinct as required by statute. Furthermore, different classifications as recited by the USPTO are not independent adequate grounds for restriction since the USPTO has historically examined applications containing multiple sets of claims. This is not found persuasive because Applicant does not distinctly and specifically point out supposed errors in the restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Takano (US 2003/0195658).

Regarding claim 35, Takano teaches a device controller method, comprising: inherently presenting a graphical user interface on a display associated with a computing device (personal computer 300, figs. 6-7, para [0095]); communicating with an electronic device 100 (Robot, fig. 7) via local area radio frequency communication (Bluetooth, para [0095]); determining that a controller file associated with the electronic device is available (names to searched, para [0096], [0099]); receiving the controller file (obtain result of the search, para [0096]); storing the controller file in memory associated with the computing device (obtain result, para [0096]); launching an application associated with the controller file for controlling the electronic device (execution, para [0082], [0099]); and inputting a command to the computing device for controlling the electronic device (execution, para [0082]).

Regarding claim 40, Takano also teaches that the controller file resides in a memory local to the electronic device and the controller file is received via local area radio frequency communication (para [0095]).

Regarding claim 41, Takano also teaches that the controller file resides at a network location remote from the electronic device and the controller file is received via wide area radio frequency communication (para [0095]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 36, 38-39, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano in view of Zweig (US 6,658,325).

Regarding claim 36, Takano does not explicitly teach comprising: determining the presence of an unknown electronic device within a communication range of the computing device; and receiving at the computing device a controller file for the unknown electronic device. As is known in the Decive discovery in Bluetooth

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communication, Zweig teaches Device discovery in column 8, line 59 through col. 9, line 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the Device discovery of Zweig to the system of Takano in order to comply with Bluetooth standard.

Regarding claims 38-39, Takano does not teach that the electronic device comprises a toy or network capable appliance and the step of receiving the controller file comprises over the air downloading of a Java application that comprises configuration application. Zweig teaches downloading configured Java application in col. 7, lines 37-41 and col. 8, line 59 through col. 9, line 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teaching of Zweig to the system of Takano in order to obtain rapid deployment and development instruction.

Regarding claim 42, Takano fails to teach that the toy is an automobile. Zweig teaches that the toy can be an automobile (col. 4, lines 40-46). . It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teaching of Zweig to the system of Takano in order to provide different kind of toys to the system.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takano in view of Linnartz (US 2002/0066018).

Regarding claim 37, Takano does not explicitly teach inputting at the computing device

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an identifier for the electronic device and user authentication credentials. This type of cryptographic algorithm is also included in Bluetooth specification, which requires the device ID and PIN code for authentication, as taught by Linnartz in para [0005]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Linnartz to the system of Takano in order to ensure the privacy of user's device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LEE NGUYEN
PRIMARY EXAMINER